

MINUTE ITEM

42. WITHDRAWAL FROM SALE OF VACANT SWAMP AND OVERFLOWED LAND, S. & O.
LOCATION NO. 4259, SAN BERNARDINO COUNTY - S.W.O. 5406-D.

~~After consideration of Calendar Item 50 attached, and upon motion duly made~~
and unanimously carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE WITHDRAWAL FROM SALE OF THE SE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$,
THE NE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$, AND LOTS 10 - 16, INCLUSIVE, OF SECTION 31, T. 11 N.,
R. 22 E., S.B.M., UNTIL SUCH TIME AS THE POSITION OF THE STATE BOUNDARY IN
THIS AREA HAS BEEN APPROVED AND A DETERMINATION MADE AS TO THE EXTENT OF
THE SOVEREIGN LANDS WHICH ARE NOT SUBJECT TO SALE IN THIS VICINITY.

Attachment

Calendar Item 50 (1 page)

CALENDAR ITEM

50.

WITHDRAWAL FROM SALE OF VACANT SWAMP AND OVERFLOWED LAND, S. & O. LOCATION NO. 4259, SAN BERNARDINO COUNTY - S.W.O. 5406-D.

At the meeting of the Commission on August 21, 1952, the Executive Officer was authorized to request the Attorney General to enter into a stipulation in the case of Louthain vs. State, San Bernardino County Superior Court Case No. 73,163, withdrawing lands along the Colorado River from sale for a period of time not to exceed three years, subject to the condition that the quiet title action against the State would be dismissed in that time, and that when such period of withdrawal was completed the plaintiff, Louthain, would be advised that the lands had again been made open for entry and sale. As of this time the quiet title action has not been prosecuted or dismissed. The plaintiff is reported to have sold all her interests in lands in this vicinity. Her successor in interest was advised that the lands might be available for sale if it could be determined how much of the area in question was not now covered by the waters of the Colorado River. Since 1952 the United States Bureau of Reclamation has rechannelized the Colorado River in the vicinity upstream from Needles and the conditions are no longer natural. By reason of such rechannelization the Joint Boundary Commissions for the States of Arizona and California have proposed that the State boundary be fixed along the centerline of the new artificial channel. Since the last known natural conditions are in question relative to the effect upon title to sovereign lands in the natural bed of the river and indications are that the river covered a substantial portion of the area which is the subject of the Louthain vs. State case, it appears doubtful that a sale of any of these lands could be made at this time with any degree of certainty as to the validity of the title to be conveyed.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE WITHDRAWAL FROM SALE OF THE SE¹/₄ OF THE NE¹/₄, THE NE¹/₄ OF THE SE¹/₄, AND LOTS 10 - 16, INCLUSIVE, OF SECTION 31, T. 11 N., R. 22 E., S.B.M., UNTIL SUCH TIME AS THE POSITION OF THE STATE BOUNDARY IN THIS AREA HAS BEEN APPROVED AND A DETERMINATION MADE AS TO THE EXTENT OF THE SOVEREIGN LANDS WHICH ARE NOT SUBJECT TO SALE IN THIS VICINITY.